

09/675,863

00AB007

---

**REMARKS**

Claims 1-24 are currently pending in the subject application and are presently under consideration. Claims 3 and 21-24 are allowed. Claims 1, 7, 13, 14, and 16 have been amended herein. Claims 15 and 17-19 have been cancelled herein. A marked-up listing of all claims can be found at pages 2-11 of this Reply.

Applicant's representative notes with appreciation the Examiner's indication that claims 3 and 21-24 are allowed and that claims 15-19 would be allowable if recast in independent form to include all of the limitations of the base claim and any intervening claims. The independent claims 1, 7, 13, and 14 have been amended herein to incorporate allowable aspects as indicated by the Examiner. Furthermore, it is respectfully submitted that the subject amendments do not require any further search by the Examiner due to the presence of the subject matter in the claims prior to final rejection. Additionally, applicant's representative reserves the right to file a continuation and/or divisional application in connection with the subject application.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-2, 4-12 and 20 Under 35 U.S.C. §102(e)**

Claims 1-2, 4-12 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Wolfe, *et al.* (U.S. Patent 6,037,930). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Wolfe *et al.* does not disclose each and every aspect of applicant's invention as set forth in the subject claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates generally to interface circuits for touch screens, and, more particularly, to processing input(s) from such touch screens. Independent claim 1

09/675,863

00AB007

has been amended herein to recite allowable aspects of claim 15, which has been cancelled herein. Specifically, independent claim 1 now recites, *"determining whether the indication of the amount of difference exceeds a predetermined amount ...wherein the predetermined amount comprises a first predetermined amount that defines a perimeter of a region that surrounds the first location, and wherein the perimeter is also defined by a second predetermined amount, and wherein the determining action (D) comprises determining whether the second location is outside the perimeter."*

Independent claim 7 has been amended herein to recite similar aspects. As indicated by the Examiner in the Final Office Action dated February 18, 2004, Wolfe *et al.* does not describe, teach, or suggest such aspects.

Independent claim 5 recites *"the predetermined amount defines a perimeter of a region that surrounds the first location, and wherein the determining step (D) comprises determining whether the second location is outside the perimeter."* Such aspect is indicated as allowable by the Examiner in reference to claims 15-19, yet the Examiner has rejected independent claim 5 as being anticipated by Wolfe *et al.*, stating that Wolfe *et al.* "discloses displaying a mouse pointer from the first location to the second location on a display." It appears that the Examiner has maintained the rejection of claim 5 set forth in the Non-Final Office Action dated November 29, 2002, despite the fact that claim 5 was amended to independent form in response to that Office Action and despite the fact that (now-independent) claim 5 recites aspects that are indicated by the Examiner as allowable. In view of such, it is respectfully submitted that Wolfe *et al.* does not disclose each and every element set forth in independent claim 5, and therefore, does not anticipate claim 5.

Similarly, independent claim 20 recites, *"determining a first location of a first touch on the touch plane operator input device; determining a second location of a second touch on the touch plane operator input device; determining that the second location is outside a perimeter of a region, the first location being inside the perimeter of the region..."* The Examiner rejects independent claim 20 without specifically addressing independent claim 20 or stating reasons for the rejection thereof, and despite recitation in claim 20 of aspects indicated by the Examiner as being allowable. In view

09/675,863

00AB007

of such, it is respectfully submitted that independent claim 20 is in condition for allowance.

In view of at least the foregoing, it is readily apparent that Wolfe *et al.* does not anticipate or make obvious applicant's invention as set forth in independent claims 1, 5, 7, and 20 (and claims 2, 4, 6, and 8-12, which depend respectively there from). Accordingly, this rejection should be withdrawn.

## II. Rejection of Claims 13-14 Under 35 U.S.C. §103(a)

Claims 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfe, *et al.* (U.S. Patent 6,037,930) in view of Chambers, *et al.* (U.S. Patent 6,445,383). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Neither Wolfe *et al.* nor Chambers *et al.*, alone or in combination, teach or suggest every aspect set forth in the subject independent claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Independent claim 13 has been amended herein to recite "*the predetermined amount defines a perimeter of a region that surrounds the first location, wherein the comparator determines whether the second location is outside the perimeter, and wherein the event notification is issued responsive to the second location being outside the perimeter.*" This aspect was formerly set forth in claim 18 and indicated by the

09/675,863

00AB007

Examiner as allowable. Independent claim 14 has been amended herein in a similar fashion to incorporate the allowable aspects of claim 19, as indicated by the Examiner.

Therefore, it is respectfully submitted that neither Wolfe *et al.* nor Chambers *et al.*, alone or in combination, make obvious applicant's claimed invention as set forth in independent claims 13 and 14. This rejection should be withdrawn.

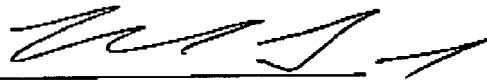
#### CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,  
AMIN & TUROCY, LLP

  
Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731